



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. OKA-0001

In re patent application of

Tsuyoshi KOMAKI

Serial No. 09/508,519

Group Art Unit: 1711

Filed: March 27, 2000

Examiner: Sanza L. McClendon

Title: COATING COMPOSITION AND OPTICAL RECORDING MEDIUM

**PETITION UNDER 37 C.F.R. § 1.181**  
**TO RESET THE PERIOD OF REPLY DUE TO LATE RECEIPT OF THE FINAL**  
**OFFICE ACTION OF NOVEMBER 28, 2001 FROM THE U.S. PATENT AND**  
**TRADEMARK OFFICE**

Box AF

Commissioner for Patents  
Washington, D.C. 20231

Sir:

RECEIVED  
JAN 30 2002  
TC 1700

Applicant hereby petitions to reset the period of reply due to late receipt of the final Office Action of November 28, 2001.

This is a petitionable issue because Applicant seeks to reset the period of reply to an outstanding Office Action in accordance with M.P.E.P. § 710.06.

A final Office Action dated November 28, 2001 was received on January 16, 2002 in the correspondence address, which is also the office of

Rader, Fishman & Grauer, PLLC  
Lion Building  
1233 20<sup>th</sup> Street N.W., Suite 501  
Washington, DC 20036.

This Petition is timely filed as it is being filed in the U.S. Patent and Trademark Office within two (2) weeks of receipt of the Office Action at the correspondence address. M.P.E.P. § 710.06.

According to the M.P.E.P. § 710.06:

Where an Office action was received with less than 2 months remaining in a shortened statutory period of 3 months the period may be restarted from the date of receipt.

The period for reply to the final Office Action is set to expire 3 months from the mailing date of the Office Action, the date of expiration being February 28, 2002. A substantial portion of the set reply period has elapsed as of the date of receipt, that is, 7 weeks, or more than one month of the 3-month reply period has elapsed.

A photocopy of the November 28, 2001 Office Action is attached to this Petition. On the reverse side of the final page appears a date stamp of January 16, 2002. It is the practice of Rader, Fishman & Grauer, PLLC to date stamp all arriving mail on the day it is received, with a "RECEIVED" stamp that includes the date, usually on the less conspicuous backside of the correspondence. This Office Action was stamped "RECEIVED" with the date January 16, 2002. A docketing stamp dated and initialed January 23, 2002 also appears, and is used internally to track the file.

Applicant believes that this Office Action was in fact received on January 16, 2002 at the correspondence address. Applicant further believes that the delay was caused by the U.S. Postal Service, the delay caused by irradiation of the mail for safe handling. Additionally, Applicant believes this to be true because the Office Action is darkened in color as well as appearing slightly brittle to the touch, consistent with current mail irradiation practice.

Accordingly, Applicant's Representative requests that the period of response be reset. Applicant's Representative understands that the restart date MAY be reset to as early as January 16, 2002, or some later date as determined by the Commissioner.

### **Conclusion**

Applicant hereby petitions the Commissioner under 37 C.F.R. § 1.181 to direct the Examiner to restart the period for response of the final Office Action dated November 28, 2001 to another date on or after January 16, 2002 due to delay in receipt of the Office Action caused by the U.S. Postal Service, discussed above.

PATENT APPLICATION

No fee is believed required to support this petition. See 37 C.F.R. § 1.181. However, if a fee is required, the Commissioner is hereby authorized to charge the fee to Deposit Account # 18-0013.

Respectfully submitted,

Date: *January 29, 2002*



Robert S. Green  
Reg. No. 41,800

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Washington, D.C. 20036  
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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicant(s) hereby petition for any needed extension of time.